IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 4209 of 2007

Date of decision : March 20, 2007

The Marathan Coop. Group Housing Society Ltd

.....Petitioner

through Mr.Atul Lakhanpal, Advocate

v.

Haryana Urban Development Authority & others

.....Respondents

CORAM : HON'BLE MR.JUSTICE VIJENDER JAIN, CHIEF JUSTICE
HON'BLE MR.JUSTICE RAJIVE BHALLA

***

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

***

The petitioner, by way of the present writ petition, prays for quashing of the order, dated 5.2.2007 (Annexure P-5), declining to allot land to it. It is also prayed that a plot of land be allotted to the petitioner-society.

Counsel for the petitioner contends that M/S Swatantra Land and Finance Co. Pvt. Ltd-respondent No.3 has been allotted 32 kanals and 9 marlas of land, situated in village Itmadpur, Tehsil and District Faridabad for a sum of Rs.3,26,81,207/- and, therefore, similar allotment of land be made to the petitioner society. It is contended that the petitioner's request for allotment of land has been wrongly rejected, vide the impugned order.

The petitioner's plea for allotment of land is in no manner dissimilar to the case of respondent No.3 and, therefore, respondents No.1 & 2 were obliged, in law, to allot a plot to the petitioner society.

We have heard learned counsel for the petitioner and perused the paper book.

The petitioner's case for allotment of a plot has been duly considered by the Estate Officer, HUDA, Faridabad. There is no parity between the case of the petitioner and respondent No.3. As is apparent from the impugned order, land, belonging to the HUDA, was transferred to respondent No.3, as these pockets of land were surrounded by land, owned by respondent No.3 and could not be put to any use. The petitioner's claim bears no similarity to the allotment, made to respondent No.3. The circumstances of the petitioner and respondent No.3, are entirely different. In the absence of any parity between them, reliance by the petitioner upon the allotment, made to respondent No.3, does not vest any legal right in it to claim allotment. The impugned order does not suffer from any illegality, as regards the petitioner's claim. Whether the allotment to respondent No.3 is legal or valid is a matter apart.

In view of what has been noticed herein above, the present petition lacks merit and is dismissed.

(VIJENDER JAIN)
CHIEF JUSTICE

(RAJIVE BHALLA)
JUDGE

March 20, 2007.
`kk'